

GAHC020003832023



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : COP(C)/17/2023

SHRI WANGNAO KONYAK,
S/O LT. HONLIE KONYAK,
R/O. NEW MINISTERS HILL COLONY,
KOHIMA, NAGALAND

VERSUS

SHRI J. ALAM IAS AND 3 ORS
CHIEF SECRETARY,
GOVERNMENT OF NAGALAND,
KOHIMA, NAGALAND

2:SHRI SARAVANAN IPS

SPECIAL SECRETARY HOME TO THE GOVERNMENT OF NAGALAND
KOHIMA

3:SHRI ROPIN SHARMA IPS
DIRECTOR GENERAL OF POLICE
NAGALAND
KOHIMA

4:THE SUPERINTENDENT OF POLICE
KOHIMA
NAGALAN

Advocate for the Petitioner : ANUNGLA LKR

Advocate for the State Respondent(s) : N. ANGAMI, GOVT. ADVOCATE

**Advocate for the Respondent(s) : N. LONGKUMER, ADVOCATE
: NISUKA CHISHI, ADVOCATE**

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

11.06.2024

This is an application under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution for initiating contempt proceedings against the respondents herein on allegation for willful and deliberate violation to the Order passed by this Court in WP(C)/161/2022.

2. This Court finds it very relevant to take note of that *vide* an Order dated 30.09.2022, in WP(C)/161/2022 this Court disposed of the said writ petition directing the concerned respondents to consider the case of the petitioner strictly in terms with the Revised Compassionate Appointment Scheme for the State Government Employee who died in harness notified *vide* Office Memorandum dated 17.09.2015, issued by the Personnel & Administrative Reforms Department (Administrative Reform Branch), Government of Nagaland, within a period of 4 (four) months from the date of receipt of a certified copy of the Order. It was made clear by this Court that while considering the case of the petitioner the seniority of the petitioner's application should also be considered. In pursuance to that as there was no compliance to the Order passed by this Court dated 30.09.2022, the instant contempt application has been filed.

3. Today, I have heard Mr. N. Angami, learned Government Advocate appearing on behalf of the respondent No. 1 and

Mr. N. Longkumer, learned counsel appearing on behalf of respondent Nos. 2 & 3.

4. The learned counsel appearing on behalf of the respondent Nos. 2 & 3 draws the attention of this Court to a Communication dated 04.06.2024 issued by the Inspector General of Police Administration, Nagaland, to the Home Commissioner, Nagaland. From a perusal of the said Communication, it is seen that it has been stated that the petitioner herein is at serial No. 1 and the petitioner is eligible to be considered for appointment on compassionate grounds in terms with the OM dated 17.09.2015. It has also been stated that in view of the urgency and in light of the Orders passed by this Court, the approval of the Government was sought for appointment of the petitioner and one Shri James K. on compassionate grounds against any Grade-IV vacant post available in the Department. The said document is kept on record and marked with the letter 'X'.

5. The learned counsel appearing on behalf of the respondent Nos. 2 & 3 further placed the seniority list of the 'compassionate appointment application' from 2016 till date. In terms of the said seniority list, it is seen that the petitioner's name is at serial No. 1. The said list is kept on record and marked with the letter 'Y'.

6. Taking into account the specific stand which has been stated by the respondent Nos. 2 & 3 and there is a submission made by the learned counsels for all the respondents to the effect that immediately upon vacancy arising in a Grade-IV post, the petitioner would duly be appointed, this Court takes

the same as an undertaking given by the respondent Nos. 1, 2 & 3 before this Court.

7. Under such circumstances, this Court would not like to further continue with the instant contempt proceedings in view of the sufficient compliance to the Order passed by this Court on 30.09.2022 in WP(C)/161/2022. This Court, however, observes and directs that immediately upon a vacancy arising in Grade-IV post the petitioner herein has to be the first to be considered for appointment in view of the fact that the petitioner is at serial No. 1.

8. With the above observations and directions, the instant contempt proceedings stands closed.

9. Liberty is given to the petitioner to approach this Court if there is no compliance to the direction above.

Sd/-
JUDGE

Comparing Assistant